

COMPLAINT

1 I would like to give you some brief history that becomes relevant to this complaint. In 1991, I enlisted in the U.S Army Reserves. I enlisted in Texarkana, Ark, because I was living in Mineral Springs, Arkansas, with my sister at that time. I am originally from Fort Smith, Arkansas. I was assigned to a reserve unit in Texarkana when I enlisted. After graduating basic training, I was allowed to come home on leave for Christmas. While I was home, my sister and I got into an argument about her son damaging a very expensive leather jacket of my. she felt like she did not have to pay for the jacket, because I was living with her. At any rate, she put me out of her home, and I was forced to spend my leave time relocating back to Fort Smith, Ark, which is nearly 200 miles away. Therefore when I returned home to begin my reserve duties, my place of residence was in Ft Smith, Ark, well over 200 miles from Texarkana, Arkansas. I then asked if I could transfer to a unit in Fort Smith, Arkansas. I was never allowed to transfer to Fort Smith, and was eventually placed into "inactive" service, meaning I did not have to drive to Texarkana every month for drill. I received a "uncharacterized discharge" as a result.

2 In September of 2007, I responded to an ad in the Texarkana Gazette, [see enclosed sheet of ad] I took the written test along with several other applicants. about 7 or 8 of which were black. I was the only black applicant to pass the written exam given on October 12, 2007. the applicants were then placed on an eligibility list according to test scores. I was 12th on the list. By the end of the Agility test, I had moved up two spots, as two people with higher scores than me, did not pass the Agility part of the test. We were told we would be contacted to come in for interviews. On Monday, November 12, 2007, I received a call from the receptionist at the Texarkana Police Dept.

she said "sgt Fitzgerald wants you to come in tuesday for an interview at 9:00am" she then said "you need to be here an hour and half ahead of time" I then repeated the information back to her, by saying "I have an interview Tuesday, at 9:00 am, but get there an hour and a half ahead of time? she said yes. We hung up, I then realized she had not given me a date, so I tried several times to call Sgt Fitzgerald, I left several voice messages on his cell phone but never got a return call. I did not want to take the chance that the interview was not the next morning, so I drove over to Texarkana the next morning, at 7:30 am, [an hour and half ahead of 9:00am] Needless to say, I was told that I was a week early, and about two hours earlier than the interview. I was then told that instead of getting there an hour and half ahead of time, I was to plan to be there an hour and a half. I would like to point out that part of the written exam and part of the agility exam, test your memory and attention to detail, and I passed both.

3 Once the interview with Sgt. Fitzgerald was complete, I was given a booklet to complete and told to have it ready when an investigator contacted me to do a background check. The investigator, was Sgt Ed Emilia. In early December, 2007, I was contacted by Sgt Emilia. Over the course of the next month, I had several meetings with Sgt Emilia. In the first meeting, he questioned why I "waited until I was 40 years old to decide to be a police officer" in fact, in another meeting with him, I went in to get my fingerprints taken, and a female officer greeted me and Sgt Emilia by saying "how are you young men doing today" Sgt Emilia responded by saying "what do you mean young men, look at him." the female officer then stated "he is not that old" to which Sgt Emilia replied "well he certainly is not young"

4 I believe Sgt Emilia wanted to hire one or more of the white applicants that made a lower score than myself, and tried first to discourage me from the job, and then used a bogus excuse not to hire me. Sgt Ed Emilia first tried to discourage me from the job by constantly having me drive over to Texarkana for minor things. Sgt Emilia was aware that I lived 45 miles from Texarkana

Texas , but he would call one day and ask me to come in to have my picture taken, and two days later have me bring my high school transcript, then four days later have me bring in the paperwork from previous lawsuits I filed, then two days later have me come in to have my fingerprints taken, then a couple days later have me bring in my college transcript, etc.. and each trip was a 90 mile round trip.

5 During many of those meetings , Sgt Emilia would try to discourage me from the job , by asking such questions as " are you sure you want this job? because most people hate cops until they need one." or are you sure you want this job , because sometimes police get shot at." On one occasion, Sgt Emilia asked "are you sure you want to go through with this because you have to go before a review board, and they are going to zero in on the fact that you have not been on the same job more than a few years" , and then on a separate occasion ask if I wanted to withdraw my application, and come back in March and retake the written and agility test , because the review board is going to make a big deal about your past jobs" I pointed out to Sgt Emilia that my work history would be the same in March that it is now. On another occasion Sgt Emilia informed me that the review board may bring up my age, and he ended that statement by saying under his breath , but loud enough for me to hear, "if you even make it to the board."

6 Although I am a High School Graduate, have a year of college to my credit , passed both the written and agility test, Sgt Emilia suggested that I was not intelligent enough to be a police officer by asking questions like "do you even know what a police officer does"? or "Are you sure you want to be a police officer,because you showed up for your interview a week early and two hours early for the interview"?

7. Sgt Emilia in my opinion suggested that I come from a family of criminals , by asking what my family thought about me wanting to be a police officer, I said they are very supportive. he responded "really?" I then said that my older brother is a fireman, and my older sister works for the United States Dept of Agriculture, so I saw no reason why they would be against me getting a government job. The next time I met with Sgt Emilia , he informed me that the review board would ask him his opinion of me, he went on to tell me that he was going to the board that I said " my brother and sister have a government job, so its time I get one".

8. In the ad that the Texarkana Texas Police Dept ran in the classified, they stated that the job's starting salary was \$32,898 , After 1 year \$35,931. I assume the reason they put the salary in the ad is because they believed it to be a competitive salary, and to me it was more money I ever made working in a chicken plant. Therefore when Sgt Emilia ask why I wanted to be a Police Officer, I told him that one of the things that interested me was the salary. He then responded " if you want to be a police because of the salary, then this job is going to eat you alive" I wonder if they reduced the salary to half that, how many police officers would stay on the job, but he would have me believe that most police officers have some divine calling to become police officers.

9. I do not know what relevance the lawsuits I have filed in the past has to do with my qualification to become a police officer, but Sgt Emilia insisted on seeing the paperwork and the outcome of them. I was barred from showing them to him because they were all settled out of court, and had a confidentiality clause in the settlement. I was not the defendant in any of the lawsuits and do not know what they have to do with my qualifications to be a Police Officer, unless the Texarkana Police Dept anticipate some activity within their organization that would trigger a lawsuit. Nevertheless, shortly after I sent in the lawsuit paperwork, I was told via two letters, that because I did not receive a "honorable discharge" from the Army, I could not be a police officer. I have enclosed 3 documents relating to the requirements to become a Texarkana Police Officer, none of which state that a Honorable Discharge is required. The only mention of a Honorable Discharge , relates to a applicant that is not yet 21, and for an applicant seeking veteran points on the written exam.

10. Furthermore, my discharge is classified as " uncharacterized " therefore, the Texarkana Police Dept has no authority to assume it is not "Honorable". The arguement can be made that if it were

"Honorable" then it would say "Honorable" but the same argument can be made of "Dishonorable". The Army did not classify the discharge as "Honorable, or Dishonorable," and I do not believe the Texarkana Police Dept have the authority to decide which it is.

11. My belief that Sgt Emilia wanted to disqualify me so that a white applicant could be hired, is further supported by a letter sent to me by Rose Stewart. She starts the letter off by telling me that I am no longer being considered for the position of Police Officer with the Texarkana Texas Police Dept, because of my "uncharacterized" discharge from the Army, but she ends the letter by saying "we appreciate your interest in our Police Dept, and hope that you will consider reapplying with the city at a later date. huh? that makes as much sense as saying "because of your work record in January, why don't you come back and try to be a police officer again in March.

Allen Bishop